

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID	Requested Response Time	DSD Assigned RID #
Customer RID <input checked="" type="checkbox"/>	24 hours ?	004
Internal Staff RID ?	5 working days <input checked="" type="checkbox"/>	
	As time available ?	

1. Project Name: Indian Springs U-3**2. Project Number:** Plat # 040115

(Plat #, Zoning Case #, etc.)

3. Project Street Address: na

(If not available nearest intersection of two public streets)

4. Applicant Name: WF Castella**5. Applicant Address:** 6800 Park Ten
San Antonio, Texas 78201**6. Applicant Telephone #:** (210) 734-5351**7. Applicant e-mail Address:** na**8. Rule in Question:**

(Section and/or policy of UDC, Building Code, Master Plan, etc)

The American Disabilities Act requires that any public sidewalk shall have a passing space constructed every 200 feet if the sidewalk is less than 5 feet wide.

9. Applicant's Position:

(Including date position presented and name of city staff point of contact)

Date: na **Contact:** Lee Wright **Contact Telephone #:** (210) 734-5351

Applicant agrees to the placement of a "general" note on each plat specifying that a passing space is required every 200 feet of the walk. However the applicant disagrees with the placing of a note or handicap symbol on each lot where a handicap passing space is required. The objection is based on several considerations:

1. Plats already have so much information required on them that placement of a handicap symbol on the lot would clutter the lot data to the point that reading it could become impossible.
2. Plats are for the transfer of ownership and normally are not for the recording of construction information.

3. With the symbol on a given lot the passing space may not be required if the owner constructs the driveway, driveway apron or front walk in such a manner as to meet the required width and ADA maximum allowable slopes.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: na **Contact:** Edward Guzman **Contact Telephone #:** (210) 207-7892

Staff finds that the ADA requirement for placing a five (5) foot passing space every 200 feet along all public sidewalks less than five (5) feet in width is not a requirement that the City can waive. In addition, it is noted that any person or group can file a complaint with which could result in a fine and mandated corrective action on the part of the City, the developer and/or the lot owner.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: 4/08/2004 **Contact:** Bill Telford **Contact Telephone #:** (210) 207-7879

Staff recommends that a general note and typical passing space detail be placed on any residential plat in which the lot or lots being platted have in excess of 200 feet of street frontage. In addition to the note the engineer shall provide a "Table of Lots" on which passing spaces are required.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)

Date of policy/action: 4/12/2004 **Effective Date of policy/action:** 4/12/2004

The Director of Development Services is in agreement that the requirement of a passing space in accordance with ADA regulations is mandatory and thereby directs all residential plats with sidewalks to be dedicated for public use include a general note addressing the requirement for Americans with Disabilities Act (ADA) approved passing spaces, a plan view of an ADA approved passing space and a table indicating which lots require the ADA sidewalk passing space. It is directed that staff prepare a draft ADA note, typical detail for ADA passing space and a passing space table format to be provided to engineers and surveyors as a standard for all residential plats.

Florencio Peña III, Director
Development Services Department